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OptraHealth, Inc.

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21
22 INVITAE CORPORATION,

23 Plaintiff,

24 v.

25 OPTRAHEALTH, INC.,

26 Defendant.
27
28

Case No. 4:22-CV-00784 HSG

**STIPULATION TO HAVE CASES
CONSOLIDATED FOR ALL
PURPOSES**

STIPULATION TO CONSOLIDATE
CASES & [PROPOSED] ORDER

Plaintiff Invitae Corporation (“Invitae”), by and through its counsel of record, Bryan Cave Leighton Paisner LLP and Defendant OptraHealth Inc. (“OptraHealth”), by and through its attorney of record Zhen Law Firm, hereby stipulate to consolidate *OptraHealth, Inc. v. Invitae Corporation*, Case No. 4:22-cv-03002-HSG with and into the above entitled action for all purposes.

1. The parties agree consolidation of these cases is appropriate under Federal Rule of Civil Procedure 42(a) because both cases involve the same parties and involve common questions of law and fact.

2. The parties further agree and stipulate that the second filed action (Case No. 4:22-cv-03002-HSG) should be administratively closed and that the lead case should proceed as captioned above.

3. The parties further agree and stipulate that Invitae’s declaratory judgment complaint [ECF No. 1] will proceed as the operative complaint, that OptraHealth shall have seven (7) days to amend its Answer [4:22-cv-03002-HSG, ECF No. 23] to assert its infringement claims as counterclaims, and that Invitae shall have seven (7) days to answer or respond to OptraHealth’s amended answer.

IT IS SO STIPULATED

Dated: August 1, 2022

Respectfully submitted,
BRYAN CAVE LEIGHTON PAISNER LLP

By: /s/ Erin Kelly
Erin Kelly (Admitted *pro hac vice*)

Attorneys for Plaintiff Invitae Corporation

THE ZHEN LAW FIRM

By: /s/Chris Zhen
Chris J. Zhen

Attorney for Defendant OptraHealth

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ATTESTATION

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

By: /s/ Erin Kelly
Erin Kelly (Admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

This is to certify that on the 1st day of August 2022, I electronically filed the foregoing STIPULATION TO HAVE CASES CONSOLIDATED FOR ALL PURPOSES using the Court's CM/ECF filing system which sends notification of such filing to all parties and/or counsel of record.

DATED: August 1, 2022

By: /s/ Erin Kelly
Erin Kelly (Admitted *pro hac vice*)

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